

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TES FRANCHISING, LLC, et al.,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
vs.	:	NO. 10-0017
	:	
J. ERIC DOMBACH, et al.,	:	
	:	
Defendants,	:	
	:	
vs.	:	
	:	
TERRY POWELL, et al.,	:	
Additional Defendants.	:	

ORDER

AND NOW, this 9th day of December, 2010, upon consideration of the Motion to Dismiss the Amended Joinder Complaint filed by Joinder Defendants Decor & You, Inc. ("D&Y") and Terry Powell ("Mr. Powell") filed on April 30, 2010 (Document No. 51), the Response by Amended Joinder Complaint Plaintiff J. Eric Dombach ("Mr. Dombach") filed May 17, 2010 (Document No. 55), and for the reasons set forth in the accompanying Memorandum, **IT IS ORDERED** that

1. the Motion to Dismiss is **DENIED** without prejudice.
2. Mr. Dombach shall conduct jurisdictional discovery as to D&Y and Mr. Powell's Motion to Dismiss. All such discovery shall close on February 9, 2011.
3. Mr. Dombach shall submit a memorandum to the Court setting forth the theory of personal jurisdiction as to D&Y and Mr. Powell, considering each Joinder Defendant separately, by February 24, 2011.

4. Joinder Defendants will file a response to Mr. Dombach's briefing by March 10, 2011.
5. Mr. Dombach shall file a reply brief by March 21, 2011.
6. A hearing to consider whether the Court has jurisdiction over Joinder Defendants D&Y and Mr. Powell is SCHEDULED for March 28, 2011 at 9:30 a.m. in Courtroom 4A, Edward N. Cahn United States Courthouse & Federal Building, 4401 West Hamilton Street, Allentown, PA 18101.

BY THE COURT:

/s/ Henry S. Perkin

HENRY S. PERKIN

United States Magistrate Judge